

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16643 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -MUFFASIL District- AURANGABAD

- =====
1. Santosh Kumar Singh son of Algu Singh, resident of Village- Imamganj Shankarpur, Paliganj, P.S. Paliganj, District- Patna, at present Village Amari, P.S. Rajpur, District Rohtas.
 2. Dharmendra Kumar son of Sikandar Singh, resident of Village- Chakia, Dihari, P.S. Dehri on Sone, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines and Minerals, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey
For the Opposite Party/s : M/s. Sharda Kumari, APP
For the Opp. Party No.2 : Mr.Rajendra Prasad, Spl.P.P., Mines

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 11-04-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Aurangabad Muffasil Police Station Case No. 10 of 2017, registered under Sections 379, 411 and 120B of the Indian Penal Code and Sections 33, 41 and 42 of Forest Act, 4/40 of Bihar Mineral Concession Rules and 3/5/6 of Bihar Mineral Prevention of Illegal Mining Transportation and Storage Act.

Allegation against the petitioners is that they were carrying stone chips illegally, but they were intercepted in the Aurangabad muffasil jurisdiction and they could not produce challan for that transportation.

It has been submitted on behalf of the petitioners that



the petitioners are the owners of the truck in question and the stone chips were carrying for supply to the customer and the driver had produced all the documents, but the police seized the truck and the truck along with the stone chips is under the custody of the police, and as such they may be granted anticipatory bail.

Heard learned Additional P.P. and also the learned counsel for the Mines and Minerals and they have opposed the prayer for anticipatory bail.

Having heard both sides and in view of fact that the stone chips and the truck is still under the custody of the police and the petitioners are the owner of the truck, as such let the petitioners above named, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad P.S. Case No. 10 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With following conditions:

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.



- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the trial of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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